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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,674	12/05/2003	Christopher Cavello	200314581-1	9081

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FORT COLLINS, CO 80527-2400

EXAMINER
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STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/728,674

Applicant(s)

CAVELLO

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/728,674 Swivel Support Base Apparatus, filed on 12/5/03. Claims 1-14 are pending. This **Final Office Action** is in response to applicant's reply dated 12/27/04. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The applicants amendment necessitated the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

Claims 1-7, 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3854404 to Janda.

The patent to Janda discloses a device having a frame (10) and a computer display (automobiles contain computer displays), a swivel mechanism, including a foot (44), having a foot pad (bottom of 44) in contact with a support surface, the foot pad (bottom of 44) configured with a material that having a defined coefficient of friction that enables the rotation of the frame and impedes translational movement of the foot and a disk (38) which supports the majority of a load on the frame, which is fixedly and detachably connected to the foot (44) and secondary feet (bracket for 28) each having a pad (28) and designed to share the load on the frame, which are connected to the frame (10) and disposed in the location surrounding the swivel mechanism the secondary feet (bracket of 28), the pads having a lower frictional coefficient than the foot (44), and an axle (40) in fixable and rotatable contact with the disk (38) and secured to the frame with a screw head (50).

Claims 1, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2264128 to Branch

Branch discloses a device having a frame (1) and a swivel mechanism, the mechanism having a foot (11) with a foot pad (12) in contact with a support surface, the foot pad configured with an elastomeric material that enables the rotation of the frame and impinges translational movement of the foot, and secondary feet (7) each having an elastomeric pad (lower outside portion of 7), the secondary pads having a lower frictional coefficient than the foot pad (12), wherein the secondary feet pads are configured with a material that enables rotation of the frame when supporting the device on the frame.

***Claim Rejections - 35 USC § 103***

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3854404 to Janda as applied to claims 1 and 2 and further in view of United States Patent No. 6467746 to Paskiewicz.

Janda discloses the basic inventive concept with the exception that it does not disclose wherein the swivel mechanism includes a spring at least partially surrounding the axle, and supporting the frame.

Paskiewicz discloses a swivel device which has a spring (See Col. 7, lines 2-5) which surrounds an axle (224) and supports a frame (200), the spring used for resiliently supporting the frame. Therefore it would have been obvious to one of

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ordinary skill in the art to have added a spring to the device of Janda in order to resiliently support the frame,

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-

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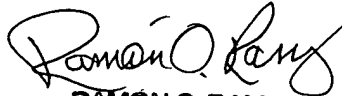
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872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS  
Amy J. Sterling  
3/2/05

  
**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**